

S.R. 632 - By Ellis: Recognizing Don J. Wang for his contributions to the residents of the Asian community in the Houston area.

S.R. 633 - By Barrientos: Recognizing Image de Austin for its service to the Hispanic community.

S.R. 634 - By West: Commending the South Dallas Business and Professional Women's Club, Incorporated, on the occasion of its 30th annual awards and scholarship luncheon.

ADJOURNMENT

On motion of Senator Truan, the Senate at 12:20 p.m. adjourned until 10:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

April 16, 1993

ECONOMIC DEVELOPMENT — C.S.S.B. 498

NATURAL RESOURCES — C.S.S.B. 812, C.S.S.B. 813, C.S.S.B. 814, C.S.H.B. 564

April 19, 1993

ECONOMIC DEVELOPMENT — C.S.S.B. 1110

STATE AFFAIRS — S.B. 968 (Amended), S.B. 641, S.B. 926, C.S.S.B. 1257, H.B. 536, H.B. 1078, H.B. 176, C.S.H.B. 1084

FINANCE — S.B. 337, S.B. 541, S.B. 1340, C.S.H.B. 155, C.S.S.J.R. 44

FIFTIETH DAY

(Tuesday, April 20, 1993)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Nelson, Parker.

A quorum was announced present.

The Reverend Anita Warfield, Greater Calvary Baptist Church, Austin, offered the invocation as follows:

Eternal God, it is with awe that we come to You this morning in search of wisdom that this assembly may apply Your will to the task that lies ahead of it. For Father, it is with thorough knowledge that every thought and every deed decided in this room will be recorded in the records of heaven, and, at the close of time, we too must give account of our choices before You in Your heavenly court. So, Father, according to the will of every heart in this assembly, let Thy precepts be made known and Your will be done. In Jesus Christ's name we pray. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MOMENT OF SILENCE

At the request of Senator Moncrief, the Senate stood for a moment of silence in memory of those who died in Waco on Monday, April 19, 1993.

LEAVES OF ABSENCE

On motion of Senator Harris of Dallas, Senator Parker was granted leave of absence for today on account of important business.

On motion of Senator Leedom, Senator Nelson was granted leave of absence for today on account of important business.

CO-AUTHOR OF SENATE BILL 352

On motion of Senator Harris of Tarrant and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 352.

CO-AUTHOR OF SENATE BILL 532

On motion of Senator Whitmire and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 532.

CO-AUTHOR OF SENATE BILL 1067

On motion of Senator Whitmire and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 1067.

CO-AUTHOR OF SENATE BILL 1068

On motion of Senator Whitmire and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 1068.

CO-AUTHOR OF SENATE BILL 1257

On motion of Senator Turner and by unanimous consent, Senator Wentworth will be shown as Co-author of S.B. 1257.

CO-AUTHOR OF SENATE JOINT RESOLUTION 49

On motion of Senator Montford and by unanimous consent, Senator Wentworth will be shown as Co-author of S.J.R. 49.

**NOTICE OF SESSION TO HOLD
LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Haley announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 9:00 a.m. tomorrow and that all bills would be considered on second reading in the order in which they are listed.

PERMISSION TO INTRODUCE BILLS AND RESOLUTION

On motion of Senator Harris of Dallas and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills and resolution:

S.B. 1386	S.B. 1389
S.B. 1387	S.B. 1390
S.B. 1388	S.J.R. 49

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

S.C.R. 72 by Haley Administration
Memorializing Congress to take all necessary action to ensure that Interstate 69 will enter Texas at Joaquin and follow along the least congested and most feasible route between the Louisiana-Texas and Texas-Mexico borders.

S.B. 1386 by Truan Economic Development
Relating to the fees required of certain persons who practice public accountancy.

S.B. 1387 by Carriker Jurisprudence
Relating to the creation of municipal courts of record in Denton.

S.B. 1388 by Zaffirini Education
Relating to the student exchange program established by the Texas Higher Education Coordinating Board.

S.B. 1389 by Wentworth State Affairs
Relating to indemnification of certain government employees.

S.B. 1390 by Luna Jurisprudence
Relating to the review of placement of a child under the care of the Department of Protective and Regulatory Services.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

H.B. 61 to Committee on Finance.

H.B. 284 to Committee on Intergovernmental Relations.

H.B. 285 to Committee on Intergovernmental Relations.

H.B. 476 to Committee on State Affairs.
H.B. 535 to Committee on State Affairs.
H.B. 565 to Committee of the Whole Senate on Redistricting,
Ethics and Elections, Subcommittee on Elections and Ethics.
H.B. 647 to Committee on Intergovernmental Relations.
H.B. 690 to Committee on Natural Resources.
H.B. 691 to Committee on Education.
H.B. 747 to Committee on Economic Development.
H.B. 786 to Committee on Finance.
H.B. 795 to Committee on Intergovernmental Relations.
H.B. 925 to Committee on Finance.
H.B. 965 to Committee on Jurisprudence.
H.B. 1091 to Committee on Intergovernmental Relations.
H.B. 1095 to Committee on Jurisprudence.
H.B. 1096 to Committee on Finance.
H.B. 1143 to Committee on Jurisprudence.
H.B. 1144 to Committee on Economic Development.
H.B. 1153 to Committee on Natural Resources.
H.B. 1208 to Committee on Intergovernmental Relations.
H.B. 1210 to Committee on Natural Resources.
H.B. 1232 to Committee on Intergovernmental Relations.
H.B. 1403 to Committee on Jurisprudence.
H.B. 1450 to Committee on Intergovernmental Relations.
H.B. 1453 to Committee on International Relations, Trade,
and Technology.
H.B. 1463 to Committee on International Relations, Trade,
and Technology.
H.B. 1491 to Committee on Natural Resources.
H.B. 1632 to Committee on Intergovernmental Relations.
H.B. 1853 to Committee on Natural Resources.
H.B. 1854 to Committee on Natural Resources.
H.B. 1975 to Committee on Finance.
H.B. 2050 to Committee on Finance.
H.B. 2087 to Committee on Intergovernmental Relations.
H.B. 2116 to Committee on Intergovernmental Relations.
H.B. 2176 to Committee on Natural Resources.
H.B. 2209 to Committee on Natural Resources.
H.B. 2270 to Committee on Finance.
H.B. 2458 to Committee on Jurisprudence.
H.B. 2515 to Committee on State Affairs.
H.B. 2524 to Committee on Administration.
H.B. 2815 to Committee on Natural Resources.

GUEST PRESENTED

The President introduced to the Senate Representative Fred Hill of Dallas.

The Senate welcomed Representative Hill.

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

S.B. 176	S.B. 591
S.B. 249	S.B. 593
S.B. 374	S.B. 680

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Barrientos.

Senator Barrientos moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

Senator Bivins requested that ELIZABETH JANE ATCHLEY, Gray County, to be a Member of the Texas Commission on Fire Protection, be severed.

Senator Harris of Dallas requested that AMY RUTH JOHNSON, Travis County, to be Public Counsel for the Office of Public Insurance Counsel, be severed.

Senator Armbrister requested that THEODORE STUART MAFFITT, JR., Anderson County, to be a Member of the Texas Board of Architectural Examiners, be severed.

The requests were granted.

NOMINEES CONFIRMED

The following nominees, not severed and reported yesterday by the Committee on Nominations, were confirmed by the following vote: Yeas 29, Nays 0.

Absent-excused: Nelson, Parker.

Members, Board of Directors of the State Bar of Texas (Appointed by the Supreme Court of Texas): THE REVEREND ROBERT E. FELDER, Bexar County; RUBEN E. HINOJOSA, Hidalgo County.

Members, Texas State University System Board of Regents: ELIZABETH TOPPER NASH, Hays County; CRAIG H. VITTITOE, Cameron County; RAY ZAPATA, Tom Green County.

Members, Texas Commission on Fire Protection: DAVID J. BURKHART, Tarrant County; ARMANDO G. CACERES, Nueces County; LIEUTENANT ROY LEE CHAPMAN, Callahan County; GERALD K. HOOD, Tarrant County; PATRICK K. HUGHES, SR., Tarrant County; CHIEF RONNIE EDWIN JAMES, Wichita County; CAPTAIN ALONZO LOPEZ, JR., Kleberg County; LIEUTENANT LARRY EUGENE McKEE, Travis County; CHIEF ANDREW F. MEHL, El Paso County; EUGENE STEVEN PERDUE, Eastland County; JAN STALDER, Johnson County.

Members, Texas Structural Pest Control Board: CHARLES G. COYLE, Fort Bend County; JOHN M. GONZALEZ, Harris County; PAT GRAVES, Taylor County; KATHLEEN ST. JOHN, Dallas County.

Members, Texas Appraiser Licensing and Certification Board: MARY JO HUTTON, Bexar County; JANIE SIEGLITZ KOBES, Montgomery County; ALVIN EUGENE NELSON, JR., Taylor County; GARY W. SCHUR, Knox County.

Members, Texas Board of Architectural Examiners: DR. THOMAS DANIEL CARTER, JR., El Paso County; NORCELL D. HAYWOOD, Bexar County.

Member, Board of Directors of the State Bar of Texas (Appointed by the Supreme Court of Texas): ALFONSO ALEMAN, JR., Bexar County.

Members, State Board of Registration of Professional Engineers: LINDA YEE CHEW, El Paso County; DERRELL EVERETT JOHNSON, Tarrant County; ROXANNE L. PILLAR, Tarrant County.

Members, Texas Board of Professional Land Surveying: ROBERT POUNDS, El Paso County; CHAR PRESNELL ROTHROCK, Harris County.

Members, On-Site Wastewater Treatment Advisory Council: JAMES NEILSON BROOKES, Potter County; RICK GOLDBERG, Travis County; NANCY K. HANSON, El Paso County; DR. B. L. HARRIS, Brazos County; CHESTER VAUGHN, Dallas County.

Members, Texas State Board of Plumbing Examiners: STANLEY J. BRIERS, Harris County; PHILLIP ALLEN LORD, Harris County.

Members, Radiation Advisory Board: DORIS C. BRYAN, Travis County; DONALD G. LUDLUM, Nolan County.

Members, Texas Real Estate Commission: EDEN BOX, Travis County; WELDON E. TRAYLOR, SR., Harris County.

Members, Real Estate Research Advisory Committee: MICHAEL M. BEAL, Brazos County; CONRAD BERING, JR., Harris County; DR. DONALD S. LONGWORTH, Lubbock County.

Member, Texas Sabine River Compact Commission: DANNY A. CHOATE, Orange County.

Members, Commission on Uniform State Laws: JUSTICE DAVID PEEPLES, Bexar County; MARILYN E. PHELAN, Lubbock County.

Member, Texas Tech University Board of Regents: DR. BERNARD A. HARRIS, JR., Harris County.

Members, Texas Surplus Property Agency Board: COLONEL MERVIN E. PERRY, Travis County; STUART WHITLOW, Travis County.

NOMINEES RECOMMITTED

On motion of Senator Barrientos and by unanimous consent, the nomination of JUDGE THOMAS J. STOVALL, to be Presiding Judge of

the Second Administrative Judicial Region, was recommitted to the Committee on Nominations.

On motion of Senator Armbrister and by unanimous consent, the nomination of THEODORE STUART MAFFITT, JR., Anderson County, to be a Member of the Texas Board of Architectural Examiners, was recommitted to the Committee on Nominations.

NOMINEE CONFIRMED

On motion of Senator Harris of Dallas and by unanimous consent, the nomination of AMY RUTH JOHNSON, Travis County, to be Public Counsel for the Office of Public Insurance Counsel, was confirmed by the following vote: Yeas 27, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Luna, Madla, Moncrief, Montford, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Lucio, Patterson.

Absent-excused: Nelson, Parker.

CAPITOL PHYSICIAN

The President recognized Senator Brown, who presented Dr. J. H. Berthau of Lake Jackson as the "Doctor for the Day."

Dr. Berthau, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

MESSAGE FROM THE HOUSE

House Chamber
April 20, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 348, Relating to the control of certain airports, air navigation facilities, and airport hazard areas. (As amended)

S.B. 378, Relating to maximizing the availability of federal funds to the Texas Department of Criminal Justice and to the efficient and economical operation of the department. (As amended)

S.B. 502, Relating to certain powers and duties of the State Soil and Water Conservation Board.

S.B. 503, Relating to certain pollution control and to soil and water conservation land improvement measures.

S.B. 504, Relating to sale of water by the Lower Colorado River Authority.

S.B. 615, Relating to a recreational facility fee at The University of Texas at El Paso.

S.B. 1069, Relating to the financing of correctional facilities.

H.B. 66, Relating to the amount by which the salary of an official district court reporter may be increased.

H.B. 187, Relating to creation of an offense concerning speed limits required by federal law.

H.B. 273, Relating to partnerships and securities.

H.B. 597, Relating to hospital staff privileges for doctors of medicine and doctors of osteopathy.

H.B. 712, Relating to the use of a solicitor by certain law enforcement organizations; providing criminal and civil penalties.

H.B. 584, Relating to a reporting requirement applicable to certain financial institutions.

H.B. 1113, Relating to certain commercial transactions.

H.B. 1239, Relating to the organization and operation of certain business organizations that provide for limited liability; providing penalties.

H.B. 1264, Relating to the rate at which certain municipalities may impose the hotel occupancy tax and to the use of the revenue from the tax.

H.B. 1273, Relating to the issuance of obligations and the execution of credit agreements by certain governmental entities.

H.B. 1652, Relating to the membership of the Texas Animal Health Commission.

H.B. 1962, Relating to adding land by Petition of Landowner.

H.B. 2498, Relating to the regulation of physician assistants; providing a criminal penalty.

H.B. 2499, Relating to prepaid funeral services or merchandise.

H.C.R. 31, Recognizing the 1990-1991 honors world history class of Rockdale High School and their teacher, Mark Brady, for memorializing the life and works of George Sessions Perry.

The House has concurred in Senate amendments to **H.B. 941** by a vote of 137 Ayes, 0 Noes, 1 Present-not voting.

The House has concurred in Senate amendments to **H.B. 813** by a vote of 137 Ayes, 0 Noes, 1 Present-not voting.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 266 ADOPTED**

Senator Zaffirini called from the President's table the Conference Committee Report on **S.B. 266**. The Conference Committee Report was filed with the Senate on Monday, April 19, 1993.

On motion of Senator Zaffirini, the Conference Committee Report was adopted by a viva voce vote.

COMMITTEE OF THE WHOLE SENATE

On motion of Senator Harris of Dallas and by unanimous consent, the Senate at 10:40 a.m. resolved into a Committee of the Whole Senate with Senator Harris of Tarrant presiding.

IN LEGISLATIVE SESSION

The President called the Senate to order at 1:34 p.m. as In Legislative Session.

REPORT OF COMMITTEE OF THE WHOLE SENATE

Senator Whitmire reported that the Committee of the Whole Senate had met and had conducted business.

SENATE RULE 7.12(a) (Printing Rule)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.12(a) was suspended as it relates to the printing of the following bills:

**S.B. 532
S.B. 1067
S.B. 1068**

SENATE RESOLUTION ON FIRST READING

By unanimous consent, the following resolution was introduced, read first time, and referred to the committee indicated:

S.J.R. 49 by Montford, Ratliff, Haley, Finance
Moncrief, Bivins, Madla, Armbrister, Brown, Ellis, Carriker, Barrientos,
Harris of Tarrant, Patterson, Luna, Harris of Dallas, Lucio, Rosson, Sims,
Turner, Truan, West, Whitmire, Sibley, Zaffirini, Wentworth
Proposing a constitutional amendment prohibiting a personal income tax
without voter approval and dedicating the proceeds of the tax to education
and property tax relief.

SENATE BILL 196 WITH HOUSE AMENDMENT

Senator Carriker called **S.B. 196** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **S.B. 196** as follows: On page 1, line 20, between "signature" and "of", insert "and license number".

The amendment was read.

On motion of Senator Carriker and by unanimous consent, the Senate concurred in the House amendment to S.B. 196 by a viva voce vote.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Bivins, on behalf of Senator Sims, and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Education might consider S.B. 1383 today.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Bivins and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Natural Resources, Subcommittee on Agriculture, might consider H.B. 334 today.

PERMISSION TO MEET GRANTED

On motion of Senator Montford and by unanimous consent, the Conference Committee on S.B. 5, upon its appointment, was granted permission to meet while the Senate is in session and during committee meetings.

On motion of Senator Truan and by unanimous consent, the Committee on Finance and the Committee on State Affairs were granted permission to meet at 9:00 a.m. tomorrow while the Senate is in session.

MEMORIAL RESOLUTION

S.R. 638 - By Wentworth: In memory of Colonel Ben C. McComas, Jr., of San Antonio.

CONGRATULATORY RESOLUTIONS

S.R. 636 - By Whitmire: Honoring the volunteers who work with Family Outreach Center, Incorporated, of Southwest Houston.

S.R. 637 - By Sims: Congratulating Flora Jones of Coryell County on the occasion of her 100th birthday.

S.R. 639 - By Nelson: Congratulating Jeff and Jackie Moseley of Denton County on the adoption of their daughter, Joi Mei Ling Moseley.

S.R. 640 - By Nelson: Congratulating the officials and leaders of the Texas Amphitheater in Glen Rose.

S.R. 641 - By Nelson: Congratulating officials, leaders, cast, and support cast of "The Promise" for their accomplishments.

S.R. 642 - By Nelson: Commending Charles A. Cass of Burleson for his service in the cause of bringing more good humor into our lives.

S.R. 643 - By Nelson: Recognizing the professional auctioneers of our country for the services they provide.

S.R. 644 - By Nelson: Recognizing Stephenville for being cited as one of the best 100 small towns in America.

S.R. 645 - By Nelson: Congratulating Mr. and Mrs. Gayle Gann on the occasion of their 50th wedding anniversary.

S.R. 646 - By Nelson: Congratulating Clint Cox of Paradise Elementary School on winning a grand prize in a national trading card contest.

S.R. 647 - By Truan: Joining with the citizens of Aransas Pass in celebrating the dedication of the Ed and Hazel Richmond Public Library and in commemorating the "Last Great Land Lottery."

S.R. 648 - By Truan: Recognizing Nancy Merritt for her selection as Association of Texas Professional Educators Region II Elementary Teacher of the Year.

S.R. 649 - By Ellis: Recognizing Elder Prince Earl Bryant, Sr., for his 30 years of service with the Churches of God in Christ.

RECESS

On the motion of Senator Truan, the Senate at 1:42 p.m. recessed until 9:00 a.m. tomorrow for the Local and Uncontested Bills Calendar.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

April 20, 1993

FINANCE — C.S.S.B. 1058

NATURAL RESOURCES — C.S.S.B. 623

JURISPRUDENCE — S.B. 841, H.B. 953, H.B. 475, H.B. 1180, H.B. 974, S.B. 867

STATE AFFAIRS — C.S.S.B. 373

COMMITTEE OF THE WHOLE SENATE — C.S.S.B. 1068, C.S.S.B. 532, C.S.S.B. 1067

NATURAL RESOURCES — S.B. 570 (Amended), S.B. 966, S.B. 889, S.B. 1334, C.S.S.B. 569

FIFTIETH DAY
(Continued)
(Wednesday, April 21, 1993)

AFTER RECESS

The Senate met at 9:00 a.m. and was called to order by Senator Haley.

SENATOR ANNOUNCED PRESENT

Senator Parker, who had previously been recorded as "Absent-excused," was announced "Present."

MESSAGE FROM THE HOUSE

House Chamber
April 21, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 609, Relating to the authority of cities, towns and other political subdivisions of the state to regulate pesticides and pesticide use. (As amended)

S.B. 1018, Relating to the authority of the boards of directors of certain water control and improvement districts to remove the district from the extraterritorial jurisdiction of a home-rule municipality and place the district in the extraterritorial jurisdiction of another home-rule municipality.

H.B. 23, Relating to communications between law enforcement authorities and school officials about certain crimes or gang activities; providing a penalty.

H.B. 27, Relating to the creation of the offense of discharging a firearm from a vehicle.

H.B. 162, Relating to electioneering during early voting.

H.B. 196, Relating to prohibiting the consideration of race as a primary factor in adoptions and foster care placements.

H.B. 391, Relating to public retirement benefits payable to certain persons who have obtained qualified domestic relations orders.

H.B. 723, Relating to the eligibility of officials of certain institutions of higher education to participate in the uniform group insurance program established for employees of those institutions.

H.B. 835, Relating to authorizing late applications for ad valorem tax exemptions for certain religious organizations.

H.B. 860, Relating to the prohibition of certain discriminatory employment practices.

H.B. 1220, Relating to the management of certain funds of the institutional division of the Texas Department of Criminal Justice.

H.B. 1356, Relating to exempting certain persons from tuition, fees, and charges at public institutions of higher education.